

1 David J. Byassee, Bar No. 244509
James Whitemyer, Bar No. 185528
2 PLAIN LEGAL PC
501 N. E. Camino Real, Suite 223
3 San Clemente, California 92672
(866) 286-5002
4 Email: service@plain-legal.com

5 Attorneys for Defendants
KENNETH CHILDS and PARAMOUNT
6 INVESTIGATIVE SERVICES, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 ENZO ZELOCCHI, an individual,
12 Plaintiff,

13 v.

14 ADAM IZA, and individual; IRIS AU,
an individual; RICHARD DUDGEON,
15 an individual; BRYAN RAWLINGS,
an individual; CHRISTOPHER
QUINTENERO, an individual;
16 MICHAEL QUINTENERO, an
individual; TROY WOODY JR., an
17 individual; KATY DIANN WOODY,
an individual; THOMAS CORNELIA,
18 an individual; CORNELIA MEDIA,
LLC., a Nevada corporation;
19 KENNETH CHILDS, an individual;
PARAMOUNT INVESTIGATIVE
20 SERVICES, a California corporation;
and DOES 1-10, INCLUSIVE

21 Defendants.
22

Case No. 2:24-cv-09601-SRM-JPR

**DEFENDANT KENNETH CHILDS’
AND PARAMOUNT
INVESTIGATIVE SERVICES,
INC.’S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO
DISMISS PURSUANT TO FRCP
12(b)(6)**

Motion Date: July 17, 2025
Motion Time: 1:30 p.m.
Motion Location: Dept. 5D

23 **I. INTRODUCTION**

24 Defendants KENNETH CHILDS, a California licensed private investigator,
25 and his company PARAMOUNT INVESTIGATE SERVICES INC. (collectively,
26 “Childs”, “Moving Parties” and/or “Defendants”) hereby move to dismiss the
27 Complaint against Childs pursuant to FRCP 12(b)(6) on the grounds that Cause of
28 Action No. 12 False Light Invasion of Privacy is barred by the statute of limitations

1 and fails to state a cause of action against Childs; and Cause of Action No. 1 Civil
2 RICO (18 U.S.C. § 1962, “civil RICO”) fails to state a cause of action against Childs.

3 **II. FACTS PLEADED IN THE COMPLAINT**

4 Childs requests this Court take judicial notice of Plaintiff’s Complaint filed
5 herein. (Document 1.) Plaintiff’s Complaint alleges as follows:

6 (a) Ken Childs is a private investigator who runs a private investigative
7 business called Paramount Investigative Services, Inc. (Complaint 6:16-7:2);

8 (b) Childs “was hired by” ADAM IZA (“Iza”) to conduct allegedly unlawful
9 surveillance of Plaintiff Between November 2021 and March 2022 (Complaint 6:18,
10 6:25-26, 10:14-19, 11:26-12:4);

11 (c) The surveillance information was used by Iza to “plan and execute
12 multiple attacks” against Plaintiff and non-party David Do (Complaint 10:14-19)
13 [Childs is not being sued herein for assault, battery, and/or extortion];

14 (d) Iza and internet content creator Spencer Thomas Cornelia (“Cornelia”)
15 allegedly used the fruits of Child’s surveillance (photos of Plaintiff) to intimidate,
16 extort, and embarrass Plaintiff via the “May 2022” making and posting of negative
17 social media videos about Plaintiff (on YouTube, etc.) that in part used altered
18 surveillance photos of Plaintiff (Complaint 14:21-15:17, 21:7-12); and

19 (e) This was done in furtherance of an alleged criminal conspiracy led by
20 Iza, Troy Woody (“Woody”), Mir Islam (not a defendant), and/or Milad Sarwari (not
21 a defendant) that:

22 (1) Commenced July 16, 2018, with Woody’s alleged computer
23 tampering and attempted extortion (Complaint 8:2-5, 9:17-10:13); or

24 (2) Commenced “December 2018” when Iza himself induced Plaintiff to
25 part with \$30,000; and continued to

26 (2) The last overt act alleged in the Complaint – Iza sending an
27 unspecified threatening private telegram message to Plaintiff (not
28 published or disseminated) “in or around February 2023” (Complaint

1 15:17-22).

2 (f) The present lawsuit was filed on November 6, 2024.

3 **III. LEGAL STANDARD**

4 Under Rule 12(b)(6), dismissal is appropriate where the complaint fails to state
5 a claim upon which relief may be granted. Also, a motion to dismiss based on the
6 statute of limitations may be granted if the untimeliness of the claim appears on the
7 face of the complaint. See United States ex rel. Air Control Techs., Inc. v. Pre Con
8 Indus., Inc., 720 F.3d 1174, 1178 (9th Cir. 2013).

9 **IV. ARGUMENTS**

10 **A. FALSE LIGHT INVASION OF PRIVACY (CAUSE OF ACTION**
11 **NO. 12) – STATUTE OF LIMITATIONS VIOLATED**

12 Code of Civil Procedure § 340(c) provides a one-year statute of limitations for
13 “false light invasion of privacy” claims. *Maheu v. CBS, Inc.* (“*Maheu*”) (1988) 201
14 Cal.App.3d 662, 676 (citing *Johnson v. Harcourt, Brace, Jovanovich, Inc.* (1974) 43
15 Cal.App.3d 880, 895-896). Furthermore, “the statute cannot be tolled indefinitely by
16 the allegation of a conspiracy”. *Maheu*, supra.

17 Plaintiff’s Complaint alleges Childs’ surveillance occurred between November
18 2021 and March 2022. Plaintiff does not allege he was unaware of the surveillance;
19 but even if he was, he was aware of the publication of surveillance photos no later
20 than May 2022 when Iza and Cornelia allegedly posted their videos online. Per the
21 Complaint, the May 2022 videos were the only public publication of surveillance
22 photos. All of these events (November 2021 to May of 2022) occurred well over two
23 (2) years before Plaintiff filed the present action – not within the one (1) year
24 limitation period.¹ Plaintiff does not allege licensed private investigator Childs did
25 anything other than perform surveillance. Plaintiff does not allege fraudulent
26 _____

27 ¹ This would remain true if Plaintiff were to change his cause of action against Childs
28 to Intentional Infliction of Emotional Distress (2-year limitations period, per Code of
Civil Procedure § 335.1).

1 concealment on the part of anyone that may toll a cause of action. See Grimmett v.
2 Brown, 75 F.3d 506, 514 (9th Cir. 1996) (failure to plead fraudulent concealment is a
3 waiver of tolling defenses).

4 **B. FALSE LIGHT INVASION OF PRIVACY (CAUSE OF ACTION**
5 **NO. 12) – FAILURE TO STATE CAUSE OF ACTION**

6 “The cause of action for invasion of privacy includes three elements: (1) public
7 disclosure of (2) private facts which are (3) offensive and objectionable to a reasonable
8 person of ordinary sensibilities. [Citation.]” *Wasser v. San Diego Union* (1987) 191
9 Cal.App.3d 1455, 1460. Plaintiff’s Complaint does not sufficiently allege any of these
10 elements.

11 Plaintiff’s Complaint does not attach or sufficiently describe the photos or
12 videos that purportedly painted him in a false light. We can’t see the public disclosure,
13 we can’t see the private fact, and we thus can’t see if they are indeed in the realm of
14 offensive and objectionable. As such, there is nothing within, or attached to, the
15 Complaint to gauge the sufficiency of the facts supporting the cause of action.

16 Next, Plaintiff describes himself as a “film producer, actor and entrepreneur .
17 . . engaged in various business ventures, including A-Medicare, a healthcare platform
18 aimed at providing secure access to universal healthcare.” (Complaint 3:11-15.)
19 Plaintiff considers himself a “public figure.”² The Supreme Court has “defined a zone
20 of constitutional protection within which one could publish concerning a public figure
21 without fear of liability. That constitutional protection does not depend on the label
22 given the stated cause of action [citation]; it bars not only actions for defamation, but
23 also claims for invasion of privacy [citations].” *Reader’s Digest Assn. v. Superior*
24 *Court* (1984) 37 Cal.3d 244, 265 (underline added). As a public figure, and with no
25

26 ² Indeed, Plaintiff’s 2023 complaint against Iza (*Zelocchi v. Iza* 23BHSC01303 –
27 same core facts and allegations as the present case) states outright “I’m a public figure
28 (actor and producer). . .” Be that as it may, the Complaint herein sufficiently describes
Plaintiff as a public figure without need of further corroboration by another pleading.

1 extraordinary circumstances pleaded, Plaintiff’s “false light invasion of privacy”
2 cause of action should be barred.

3 C. **VIOLATION OF RICO 18 U.S.C. § 1964(c) (d) (“CIVIL RICO”)**
4 **(CAUSE OF ACTION NO. 1) – FAILURE TO STATE A CAUSE OF**
5 **ACTION**

6 The civil RICO statute prohibits four types of activities: (1) investing in, (2)
7 acquiring, or (3) conducting or participating in an enterprise with income derived from
8 a pattern of racketeering activity or collection of an unlawful debt, or (4) conspiring
9 to commit any of the first three types of activity. 18 U.S.C. § 1962(a)-(d). RICO was
10 “intended to combat organized crime, not to provide a federal cause of action and
11 treble damages to every tort plaintiff.” Oscar v. Univ. Students Co-op. Ass’n, 965
12 F.2d 783, 786 (9th Cir. 1992) (abrogated on other grounds by Diaz v. Gates, 420 F.3d
13 897 (9th Cir. 2005)). Plaintiffs’ civil RICO cause of action is brought under 18 U.S.C.
14 § 1962(c) and (d), the conduct and conspiracy prongs of the statute. However, to
15 recover under any variety of civil RICO, a plaintiff must demonstrate injury to
16 business or property. “Without a harm to a specific business or property interest . . .
17 there is no injury to business or property within the meaning of RICO.” Diaz at 900.
18 Specifically, personal-type injuries, including physical injuries, mental anguish
19 (embarrassment, humiliation, etc.), and pain and suffering, are not compensable under
20 civil RICO. Id. at 899-900 (distinguishing non-compensable personal harm claims
21 from Diaz’s compensable employment losses); see also Rylewicz v. Beaton Services,
22 Ltd., 888 F.2d 1175, 1180 (7th Cir. 1989) (harassment and intimidation of litigants
23 could not support civil RICO claim).

24 The prayer for damages in Plaintiff’s Complaint (Complaint 39:11-40:7) states
25 no claim for Zelocchi’s business or property loss. Plaintiff’s Complaint asks for all
26 of his unspecified damages to be trebled (line 1), asks for punitive damages (line 2),
27 asks for “presumed damages, as allowed for defamation per se and false light invasion
28 of privacy” (line 3), asks for attorney fees (line 4), asks for injunctive relief prohibiting

1 future defamation and litigation (line 5), asks for the return of non-party David Do's
2 allegedly stolen laptop (from no particular defendant, and without pleading any right
3 to recover Mr. Do's property)³ (line 6), and asks for unspecified "other relief" (line
4 7). That is every claim for damages in the Complaint – and none are for Plaintiff's
5 own "injury to business or property".

6 **1. SECTION 1962(c) "CONDUCT" CLAIM NOT STATED**

7 To recover under § 1962(c), a plaintiff must prove (1) conduct, (2) of an
8 enterprise, (3) through a pattern, (4) of racketeering activity (known as "predicate
9 acts"), (5) causing injury to the plaintiff's "business or property" by the conduct
10 constituting the violation. See Living Designs, Inc. v. E.I. Dupont de Nemours & Co.,
11 431 F.3d 353, 361 (9th Cir. 2005). As discussed, there is no injury to Plaintiff's
12 business or property pleaded in the Complaint, but it is deficient on the other elements
13 as well.

14 The "conduct" element of § 1962(c) requires that the defendant have some part
15 in directing the affairs of the RICO enterprise. See Reves v. Ernst & Young, 507 U.S.
16 170, 179 (1993); Walter v. Drayson, 538 F.3d 1244, 1249 (9th Cir. 2008). In Walter,
17 the court held that a law firm, even if "part" of a RICO enterprise, was not liable under
18 RICO without having a role in the enterprise's management and operation. Id.
19 "Simply performing services for the enterprise does not rise to the level of direction,
20 whether one is 'inside' or 'outside.'" Id.

21 There is no allegation in the Complaint that Childs was directing any aspect of
22 the alleged RICO enterprise; or for that matter, even told anyone else what to do.
23 Furthermore, the Complaint clearly confirms Childs "was hired" by Iza to surveil
24 Plaintiff – a narrow "for hire" hourly rate type task obviously within the wheelhouse
25 of a private investigator. Plaintiff may counter that surveillance was excessive and/or
26 _____

27 ³ Not to be confused with a laptop owned by Plaintiff (or dispossessed crypto currency
28 accessible therefrom), for which Plaintiff does not seek compensation via his
Complaint.

1 unlawful. However, this is of no consequence to civil RICO liability. Whether Childs
2 “rendered his services well or poorly, properly or improperly, is irrelevant” to the civil
3 RICO “conduct” requirement. Id.

4 No single, formal RICO “enterprise” is alleged – like a corporation or gang to
5 which all defendants belong. Rather, for the “enterprise” element, Plaintiff alleges an
6 associated-in-fact enterprise, i.e., “a group of persons associated together for a
7 common purpose of engaging in a course of conduct.” Boyle v. United States, 556
8 U.S. 938, 945-46 (2009). For individual liability in this context, a defendant must be
9 “aware of the essential nature and scope of [the] enterprise and intended to participate
10 in it.” United States v. Christensen, 801 F.3d 970, 985 (9th Cir.), opinion amended
11 and superseded on denial of reh’g, 828 F.3d 763 (9th Cir. 2015). There is no clear
12 allegation in the Complaint that Childs was aware of Iza’s alleged underlying
13 larcenous scheme – only that he “was hired” by Iza.

14 Plaintiff’s § 1962(c) claim against Childs also fails for a lack of a “pattern”.
15 The Complaint alleges Iza and Woody were scheming against Plaintiff from 2018 to
16 2023, but only alleges Childs was hired by Iza to surveil Plaintiff from November
17 2021 to March 2022, without indicating how often the surveillance took place.
18 Activity spanning only several months is unlikely to satisfy the “pattern” requirement,
19 particularly where the alleged acts do not “specifically threaten repetition or . . .
20 become a regular way of doing business.” See Allwaste, Inc. v. Hecht, 65 F.3d 1523,
21 1528 (9th Cir. 1995); see also Religious Tech. Ctr. v. Wollersheim, 971 F.2d 364,
22 366-67 (9th Cir. 1992). Childs is certainly not alleged to have made a business out
23 surveilling Plaintiff, or anything similar.

24 **2. SECTION 1962(d) “CONSPIRACY” CLAIM NOT STATED**

25 A RICO conspiracy under § 1962(d) may be established by proof of an
26 agreement to commit a substantive violation of RICO. See Oki Semiconductor Co. v.
27 Wells Fargo Bank, Nat. Ass’n, 298 F.3d 768, 774-75 (9th Cir. 2002). However, the
28 conspirator must have been “aware of the essential nature and scope of the enterprise

1 and intended to participate in it.” Baumer v. Pachl, 8 F.3d 1341, 1346 (9th Cir. 1993).
2 There is no “agreement to commit a substantive violation of RICO” specifically
3 alleged in the Complaint. Furthermore, as mentioned, there is no clear allegation in
4 the Complaint that Childs was even aware of Iza’s alleged underlying larcenous
5 scheme – only that he “was hired” by Iza.

6 **V. CONCLUSION**

7 Plaintiff’s cause of action No. 12 for false light invasion of privacy is barred
8 under California law by the one-year statute of limitations, and would also be barred
9 by a two-year statute of limitations in Plaintiff amended his Complaint. It also fails to
10 state a valid claim because no publications accompany the Complaint and Plaintiff is
11 (per him) a public figure.

12 Plaintiff’s cause of action No. 1 for civil RICO fails to state a cause of action
13 because of multiple failures to allege sufficient and actionable elements of “conduct”
14 and/or “conspiracy” civil RICO – chiefly, no property and business losses are alleged,
15 and as to Childs, no specific agreement to violate RICO is alleged.

16 Because these deficiencies cannot be cured by amendment as to Childs,
17 dismissal with prejudice is appropriate.

18
19 Respectfully submitted,

20 PLAIN LEGAL PC

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22
23 DATED: June 17, 2025

By: /s/ James Whitemyer

24 James Whitemyer
25 Attorneys for Defendants
26 KENNETH CHILDS and PARAMOUNT
27 INVESTIGATIVE SERVICES, INC.
28

1 **CERTIFICATE OF COMPLIANCE PURSUANT TO L.R. 11-6.2**

2 The undersigned, Counsel of Record for Defendants Kenneth Childs and
3 Paramount Investigative Services, Inc., certifies that this brief contains 2196 words,
4 which complies with the word limit of L.R. 11-6.1.
5

6 Respectfully submitted,
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9 PLAIN LEGAL PC
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11
12 DATED: June 17, 2025

By: /s/ James Whitemyer
James Whitemyer
Attorneys for Defendants
KENNETH CHILDS and PARAMOUNT
INVESTIGATIVE SERVICES, INC.
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PLAIN
LEGAL
PC

CERTIFICATE OF SERVICE

IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

Case Name: *Enzo Zelocchi v. Adam Iza, et al.*

Case No. 2:24-cv-09601-SRM-JPR

I, James Whitmyer, am a citizen of the United States and am at least eighteen years of age. My business address is 501 N. El Camino Real, Suite 223, San Clemente, California 92672. I am not a party to the above-entitled action.

On June 17, 2025, I have caused service of:

**DEFENDANT KENNETH CHILDS' AND PARAMOUNT
INVESTIGATIVE SERVICES, INC.'S MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS
PURSUANT TO FRCP 12(b)(6)**

Marc Y. Lazo K & L LAW GROUP PC 2646 Dupont Drive, Suite 60340 Irvine, CA 92612	T: (949) 216-4002 F: (855) 471-1111 mlazo@kllawgroup.com Attorneys for Plaintiff Enzo Zelocchi
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BY UNITED STATES DISTRICT COURT ECF SYSTEM: I caused the document to be electronically filed with Clerk of the United States District Court using its ECF System, which electronically notifies the party listed in the Service List.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 17, 2025, at Orange County, California.

/s/ James Whitmyer
James Whitmyer